

REMARKS

This is a full and timely response to the final Office Action of March 9, 1999, and Advisory Action of July 27, 1999. Upon entry of this Fifth Response, claims 1-21 and 23-49 remain pending in this application. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Response to Claim Rejections**Claims 15-26, 29, and 30**

Claims 15-26, 29, and 30 apparently stand finally rejected. However, Applicant submits that a basis for the rejections of these claims has not been provided by the Patent Office. In this regard, in the non-final Office Action of September 2, 1998, claims 15-26, 29, and 30 (along with other claims) were rejected under the judicially-created doctrine of obvious type double patenting. No other basis for rejecting claims 15-26, 29, and 30 was provided in the Office Action. In response, Applicant filed a terminal disclaimer along with a First Response on February 2, 1999. On March 9, 1999, the Patent Office mailed a final Office Action. The final Office Action indicated that the double patenting rejections to claims 15-26, 29, and 30 were withdrawn. However, the Office Action (as well as each paper mailed from the Patent Office since the final Office Action) also indicated that these claims were rejected but provided no additional basis for rejecting these claims. Therefore, Applicant submits that claims 15-26, 29, and 30 stand finally rejected and that no proper basis has been provided for the rejections of these claims.

Further, it is Applicant's belief that the foregoing claims are allowable and that they have been inadvertently or improperly rejected by the Patent Office. In this regard, the prior art of record

fails to disclose and/or suggest each of the features of the aforementioned claims, and the claims are, therefore, allowable over the prior art of record. For example, pending claim 15 includes "a base station computer controlling said receiver, *said base station computer for establishing a connection between said base station computer and said user computer* and communicating said travel data." (Emphasis added). Applicant believes that the prior art of record fails to disclose and/or teach at least these features. Accordingly, Applicant believes that claim 15 and all claims that depend from claim 15 (*i.e.*, claims 16-26, 29, and 30) are allowable and respectfully requests that the rejections to pending claims 15-26, 29, and 30 be withdrawn.

Claims 1-14, 27, 28, 31-35, 37-41, 43-47, and 49

Claims 1-14, 27, 28, 31-35, 37-41, 43-47, and 49 presently stand finally rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,444,444 ("the '444 patent") to Ross and as allegedly being anticipated by U.S. Patent No. 5,648,770 ("the '770 patent") to Ross. Furthermore, claims 36, 42, and 48 presently stand finally rejected under 35 U.S.C. §103 as purportedly being unpatentable over the '770 patent and, in the alternative, the '444 patent. For the reasons set forth in the responses previously filed by Applicant, Applicant asserts that the '444 and '770 patents are not valid prior art references under 37 C.F.R. §1.131 and 1.132, and Applicant respectfully traverses the foregoing rejections.


CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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